



# FACT SHEET

## Common Application Mistakes and Deficiencies - Administrative

When DEM receives a wetland application it is logged in and assigned a file number. The application then undergoes an administrative review to make sure the following items are included: 1) correct number of site plans; 2) impact avoidance and minimization statement; 3) a completed and signed application form; 4) the appropriate fee; and 5) other reports such as drainage computations. All *Applications to Alter* must also include 1) a wetland impact assessment; 2) proof of property ownership; and 3) a list of abutters. If any of these items are missing the applicant will be notified and be asked to submit the missing items. The application won't be assigned to technical staff until it is administratively complete.

DEM finds that there are certain administrative requirements that are common trouble spots for applicants. This fact sheet lists the most common administrative mistakes and omissions, and it includes steps to help you avoid these common pitfalls. Mistakes and omissions result in needless delays in processing applications. Remember that the key to a speedy DEM review is a complete application the first time around.

### 1) The Fee is Miscalculated

Quite often the fee submitted with a *Request for Preliminary Determination* application and with an *Application to Alter* is incorrect. The problem stems from the applicant selecting the wrong fee category or calculating the wrong fee additive. It is very helpful to DEM if the applicant indicates on the application form which fee category (Rule 8.04) was used to compute the fee. When calculating the additive for number of acres or square feet of wetland, you must include all wetlands that will be altered at any time during the project. Don't forget to include riverbank and perimeter wetlands in this calculation. DEM is revising the fee schedule to make it simpler for applicants. See *Rules 8.03 and 8.04*.

### 2) The Impact Avoidance and Minimization Statement is Missing or Incomplete

The Impact Avoidance and Minimization statement is required with both *Request for Preliminary Determination* applications and *Applications to Alter*. The report describes for DEM the measures you have taken to protect the wetlands that are the subject of the application. It is your chance to describe to DEM what you propose to do to protect the wetlands and what you considered but possibly were not able to do because of site limitations. The report is your story of how you avoided impacts to your wetlands to the maximum extent possible. If wetlands could not be avoided altogether, the report should describe steps you have taken to minimize the impacts. For example, applicants should consider whether there are alternative locations, designs, or sizes that could minimize impacts. See *Rules 10.01, 10.03, 11.02 and Appendix 3*.

### 3) The Application Form is Incomplete or Incorrect

The most common mistake involves the applicant's signature. According to the *Rules* 1) the applicant must be the owner of the property that is the subject of the application, 2) the property owner must sign the form, and 3) the signature must be an original. This means that if a company owns the property, only a qualified person from that company, such as the president, may sign. The person who signs for a company is not necessarily the person who has

filled out the form. Another problem centers on the applicant's address. DEM must be able to contact the applicant/property owner directly and as such requires that the applicant's/owner's address be included on the application form. Consultants often include their own address in place of the applicant's. It is very important for DEM to have the mailing address for the legal applicant, as DEM may need to contact the applicant directly regarding decisions about his/her application. DEM is happy to send correspondence to other parties as well if indicated in part G of the application form.

See *Rules 5.06 and 8.02*.

#### **4) The Proposed Project or Alteration Is Shown On A Wetland Edge Verification Plan**

The purpose of the *Request to Verify Delineated Edge of Wetlands* application is simply to verify that the wetland edge flags depicted on the plan are accurate. The wetland edge plans should not include any proposed buildings or development. The wetland edge plans should include all appropriate elements listed in Appendix 5 of the *Rules*, including the property boundaries drawn to scale, the street(s) abutting the property, the direction to the nearest intersection, plan scale and north arrow, and any permanent structures. This type of application is *only* to verify a wetland edge; it is not permission in any way to alter wetlands. If proposed work is shown, it may be misunderstood as authority to build instead of simply verification of wetland edges.

See *Rule 9.02*.

#### **5) The Applicant is Not the Owner**

The owner of the property must be the one to apply for and sign all applications, regardless of who may have permission to use the property. If a company or corporation owns the property only an authorized person, such as the president, may sign. DEM is able to send correspondence to other parties as well if the applicant indicates it in part G of the application form. The signature must be original; no photocopies are accepted.

See *Rules 5.06 and 8.02*.

#### **6) Wrong Number of Site Plans and Reports are Submitted to DEM**

DEM requires 3 copies of site plans and required enclosures for all applications. If you are also applying for a U.S. Army Corps of Engineers Programmatic General Permit through DEM, either 4 or 8 copies are required depending on the permit category (Type I or II). DEM forwards the extra copies to the Army Corps and other federal agencies for you. Some applicant's aren't even aware that they are also applying for a federal permit from the Army Corps of Engineers concurrent with DEM review and approval. One application will suffice for both permits; however, the correct number of plans and report copies must be included.

See *Notice To All Applicants, Required Enclosures for Individual Application Types, and Department of the Army Programmatic General Permit State of Rhode Island & Lands Located within the Exterior Boundaries of an Indian Reservation*.

#### **7) The Wetland Edge Delineation Forms are Missing**

This wetland edge delineation forms must be included with the *Request to Verify Delineated Edge of Wetlands* application. These forms illustrate that you followed Appendix 4 of the *Rules* when delineating the wetland edge. They are used by the biologist when completing a site visit and are especially important on sites that are unclear or confusing. One set of forms is required for each wetland on each site. More than one set should be provided when changes in the vegetation, soil or topography causes a change in reasoning for deciding the wetland edge.

See *Rules Appendix 4*.

Disclaimer: This Fact Sheet is for general information purposes only and is not meant to be a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.